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PATENT
HMD2000-1-2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas N. Giaccherini, et al.

Examiner: Ly, Anh-Vu H.

Serial No.: 09/579,324

Group Art Unit: 2616

Title: **METHOD FOR UTILIZING
EXCESS COMMUNICATIONS
CAPACITY**

Filed: 25 May 2000

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1 April 2009

The undersigned hereby certifies that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee Service" in accordance with the provisions of 37 CFR Sections 1.53 and 1.10 on the date subscribed to below and is addressed to The Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Thomas N. Giaccherini
Thomas N. Giaccherini, Registration No. 31,075

Date 1 April 2009.

**PETITION FOR FOUR MONTH EXTENSION OF TIME
TO SUBMIT CONTINUATION PATENT APPLICATION**

The Commissioner for Patents
Mail Stop PATENT APPLICATION
P.O. Box 1450
Alexandria, Virginia 22313-1450
Sir:

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The Applicants submit this Petition for a Four Month Extension of Time to enable the submission of the enclosed Continuation Patent Application entitled *Method for Utilizing Excess Communications Capacity*.

The Commissioner for Patents
Petition for Four Month Extension of Time
Attorney Docket No. HMD2000-1-2009
1 April 2009

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The Applicants submitted a Notice of Appeal to the Patent Office on 29 September 2008, which was received by the Patent Office on 2 October 2008. (See attached copy of Acknowledgment Postcard bearing OIPE date stamp.) The period for submitting an Appeal Brief, or another response to maintain the pendency of the Application, is 60 days. The 60 day period expired on 2 December 2008.

This Continuation Patent Application is accompanied by a Petition for a Four Month Extension of Time, which will extend the period for submitting the Present Application from 2 December 2008 until tomorrow, 2 April 2009.

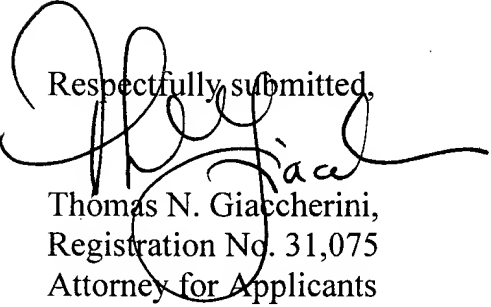
According to MPEP Section 1205.01, "the Office date of receipt of the notice of appeal...is the date from which this 2 month time period is measured," so the submission of the Present Continuation Application on 1 April 2009 with a Rule 10 Certificate is within the period for response, when extended by four months, to 2 April 2009.

The small entity fee for the four month extension of time is \$865. A Credit Card Charge Authorization Form for the \$865 fee is attached to this Petition.

The Commissioner is hereby authorized to charge any additional fee for the Petition for Four Month Extension of Time or to credit any overpayment to the Attorney of Record's Deposit Account No. 01-2017.

The filing fees will be paid later, after the Applicants receive a Notice of Missing Parts from the Patent Office.

Respectfully submitted,


Thomas N. Giaccherini,
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Attorney for Applicants

1 April 2009.

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Transmitted to the Patent Office by U.S.P.S. Express Mail Service,
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